

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 1, 2, 11-20, and 30 are currently being amended. Claims 1-30 are now pending in this application.

Applicant respectfully requests that the claim amendments be entered because the amendments do not require a new search by Examiner, and the amendments place the claims in better condition for appeal.

Rejection under 35 U.S.C. § 101

In Section 3 of the Office Action, Claims 11-19 and 30 are rejected under 35 U.S.C. § 101 as being inoperative and therefore lacking utility. Applicant appreciates Examiner's suggestions for redrafting the claims to bring the claims into compliance with 35 U.S.C. § 101. The rejected claims have been amended to add the structure as suggested by the Examiner.

Applicant respectfully requests withdrawal of this rejection of Claims 11-19 and 30 as amended.

Rejection under 35 U.S.C. § 102

In Section 4 of the Office Action, Claims 1, 3-10, 11, 13-20, and 22-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0042020 (Schachne et al.). Applicant respectfully traverses the rejection. Schachne et al. does not disclose, teach, or suggest the claimed invention as recited in Claims 1-30.

Claims 1-10. Claims 2-10 depend from Claim 1. Claim 1, as amended, recites:

- (c) displaying at least one secondary product or service associated with the primary product or service utilizing the network **prior to providing a purchase order** for the primary product or service;

Claims 11-19 and 30. Claims 12-19 and Claim 30 depend from Claim 11. Claim 11, as amended, recites:

(c) display at least one secondary product or service associated with the primary product or service utilizing the network **prior to providing a purchase order** for the primary product or service;

Claims 20-29. Claims 21-29 depend from Claim 20. Claim 20, as amended, recites:

display at least one secondary product or service associated with the primary product or service **prior to providing a purchase order** for the primary product or service;

With respect to Claim 1 and on pages 6-8 of the Office Action, the Examiner states that Schachne et al. teaches all of the limitations of Claim 1. Applicant respectfully disagrees. There is no disclosure, suggestion, or teaching in Schachne et al. of “displaying at least one secondary product or service associated with the primary product or service utilizing the network prior to providing a purchase order for the primary product or service.” On the contrary, Schachne et al. states that:

The customer submits sufficient information to conduct a potential business transaction in order to obtain at least one of the business offerings. **After** obtaining the sufficient information from the customer and **determining that the customer intends to conclude the first potential business transaction**, an offer to conduct a **second, different potential business transaction is presented to the customer**. The second, different potential business transaction is concluded **without requiring the customer to submit any additional information** other than that the customer accepts the offer.
(see Abstract, Emphasis added).

Thus, the second, different potential business transaction is provided **after a purchase order has been provided** to the customer so that the customer is not required to submit additional information to conclude the second transaction.

Schachne et al. further discloses that:

When the customer has completed selecting the products for purchase, the customer can conduct a business transaction with the seller by accessing a web page with an order form. ... Upon entering the required customer information the customer ... submits the business transaction to the seller. ... A software program ... determines the intention of the customer to conclude the business transaction. Upon this determination and **if the customer has provided sufficient information to conduct the business transaction, an offer is presented to the customer to enter a second business transaction.** (see page 2, paragraphs [0019]-[0021], Emphasis added).

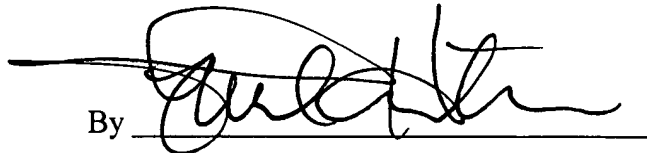
Additionally, according to Schachne et al., “FIG. 4 shows an exemplary pop-up window 114 containing the offer 116 superimposed on the order form 48.” (see page 3, paragraph [0024]). Thus, the offer is provided after the order form. Schachne et al. further discloses “when the customer accepts the offer, this concludes the second business transaction **without requiring the customer to submit additional customer information.**” (see page 3, paragraph [0025], Emphasis added). Schachne et al. still further discloses “[b]ecause this process requires no further action from the customer to complete the proposed second business transaction, the relative ease of conducting business transaction may entice the customer to accept the offer.” (see page 3, paragraph [0026]). Thus, Schachne et al. teaches away from “displaying at least one secondary product or service associated with the primary product or service utilizing the network **prior to providing a purchase order** for the primary product or service.” According to Schachne et al., the second offer is made **after** a purchase order has been provided **and** sufficient information provided by the customer.

“Displaying at least one secondary product or service associated with the primary product or service utilizing the network **prior to providing a purchase order** for the primary product or service” has the advantage that “[w]hen an ‘Add to Shopping Cart’ button is clicked, all checked items may be added to the cart at the same time. This limits the number of navigational ‘clicks’ required to complete a transaction. As a general rule, the easier a product is to buy, the more likely the consumer is to actually complete the transaction.” (see page 2, paragraph [0013]).

An anticipation rejection cannot be properly maintained where the reference used in the rejection does not disclose all of the recited claim elements. There is no disclosure, suggestion, or teaching in Schachne et al. of "displaying at least one secondary product or service associated with the primary product or service utilizing the network **prior to providing a purchase order** for the primary product or service." As a result, Applicant respectfully requests withdrawal of the rejection of claims 1, 11, and 20. Because claims 2-10 depend from claim 1, claims 12-19 and 30 depend from claim 11, and claims 21-29 depend from claim 20, Applicant also respectfully requests withdrawal of the rejection of claims 2-10, 12-19, and 21-30.

For the foregoing reasons, it is submitted that all of the claims that have been examined in this application are in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application. The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Respectfully submitted,

By 

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